

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

STAR OF THE SEA, CORP.,
JOHN D. O'BRIEN, ROBERT
J. PEARSON, RKP Corp., STAR
OF THE SEA, INC., AND WHITE
ROSE INSTITUTE, INC.,

Respondents,

HUDALJ 01-01-ILS/CMP
HUDALJ 01-02-ILS/CMP

**ORDER DENYING MOTION TO INTERVENE
AND DISMISSING PROCEEDING**

On February 14, 2002, a group of people describing themselves as “consumers who initiated complaints which have resulted in the Department’s request to impose fines and penalties “ in this case submitted a document styled MOTION TO INTERVENE and labeled it with the identifying docket numbers of this case. This action arises under section 1418a of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1717a (“the Act”). It is adjudicated by authority of HUD’s regulations that are codified at 24 CFR Part 30 and in accordance with the procedures set forth in HUD’s regulations that are found at 24 CFR Part 26, subpart B. Neither the Act nor the regulations provide for intervention in these proceedings by interested parties. Accordingly, the Motion is denied.

On September 12, 2003, counsel for the Government filed a JOINT MOTION TO DISMISS UPON STIPULATED SETTLEMENT accompanied by a Settlement Agreement that is executed by the Government and the Respondent. In their Motion the parties move that this proceeding be dismissed with prejudice with a requested proviso that such “Order may be vacated upon motion and showing by any party that the Settlement Agreement has not been substantially implemented, without just cause, within

60 days after the date the Order is issued.” The proviso is contrary to the intent and function of a dismissal with prejudice. Moreover, this forum is neither authorized nor empowered to enforce settlement agreements reached between the Government and respondents in adjudicated cases. Accordingly, the Motion To Dismiss with prejudice is **GRANTED**. The request for the proviso is denied.

So **ORDERED**.

ROBERT A. ANDRETTA
Administrative Law Judge

Dated: September 16, 2003

CERTIFICATE OF SERVICE

I hereby certify that copies of this ORDER DENYING MOTION TO INTERVENE AND DISMISSING PROCEEDING, issued by ROBERT A. ANDRETTA, Administrative Law Judge, HUDALJ 01-01-ILS/CMP, were sent to the following parties on this 16th day of September, 2003, in the manner indicated:

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